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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,061	01/09/2004	Masahiro Hinami	27877.77	7687

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EXAMINER
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OMOTOSHO, EMMANUEL

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE.	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/754,061

Applicant(s)

HINAMI ET AL.

Examiner

Emmanuel Omotosho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/09/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on July 5 2005 in which applicant amends claims 7,22,23,24, and responds to the claim rejections. Claims 7-10 and 22-30 are pending.

### ***Claim Objections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 recites the limitation "the movement speed of said second object" in line 2. There is insufficient antecedent basis for these limitations in the presented claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-10 and 22-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoshima et al (US 6,241,524).

5. Regarding at least claim 7, Aoshima teaches, a game device for proceeding a game by placing objects related to the game in a three-dimensional virtual space and by controlling said objects, comprising:

- a. first game proceeding means for proceeding the game by controlling (Col 5:32- 52) said objects in first game field in said three-dimensional virtual space (Figures 5, 9 & Col 7:38-8:2);
- b. second game proceeding means for proceeding the game by controlling (Col 5:36-52 & Col 5:11-18) said objects in a second game field said three-dimensional virtual space (Figures 5, 9 & Col 7:38-8:2);
- c. a cursor in said game field (Figure 1 "cross hairs");
- d. cursor object forming means for forming a cursor object indicating a certain area of one of said first and second game fields as well as an area of the other game field corresponding to the certain area (Figure 3, & Elm 500,510);
- e. perspective transformation display means for forming screen picture by transforming the coordinates of each object in said first and second game fields existing within view of a viewpoint located in said three-dimensional virtual space (Figures 1,5,Col 7:62-8:5).

6. Regarding at least claim 22, Aoshima teaches, a game image processing method in a game device, wherein operation signals are collected from operating means operated by a player by using a CPU block's execution of an application

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software stored in memory, wherein on the basis of the operation signal, a process is conducted to proceed a game in a three-dimensional virtual space (Abstract & Figure 1) including at least first and second game fields that are stacked in layers (Figure 3 wherein field 66 is parallel to fields 76 and 78), drawing control information that forms game images, is outputted to a video block; wherein the video block conducts a drawing processing of game images on the basis of the drawing control information, and wherein the game images are outputted to displaying means (Figure 4), wherein said first and second game fields are divided into the first area and the second area such that each of the first area and the second area displays one unit of the objects, each of which is placed and moves in the first and second game fields; and wherein said application software includes a first game program that proceeds the game in the first game field and a second game program that proceeds the game in the second game field (Figure 2, 9 demonstrate diverse player locations in a multi tier field), comprising:

- f. a step of, by the CPU block's execution of the application software controlling the position of a first object in accordance with the first game program, placing it in the relevant first area in the first game field, and thereby controlling the proceeding of the first game;
- g. a step of, by using the CPU blocks execution of the application software, controlling the position of a second object in accordance with the second game program, placing it in the relevant second area in the second game field, and thereby controlling the proceeding of the second

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game (equivalent to the individual player tanks as realized in figure 2 and 9);

h. a step of displaying a cursor that points to one unit of the first area in the first game field (Figure 1 crosshair) on the basis of the operation signal, and choosing the first object placed in the first area (equivalent to targeting and/or firing at a target);

i. a step of calculating the second area that corresponds to the chosen first area (interpreted as the graphic process that would result from a first unit looking from 66 to 76);

j. a step of judging whether an event has occurred between the chosen first object and the second object placed in the second area that corresponds to the first area (Figure 10 and 11 understood encompass avatar-target interaction);

k. a step of executing the event processing when it is judged that the event has occurred (figure 11 ); and

l. a step of forming game images on the basis of the results of the event processing (figure 11 updating the display).

7. Regarding at least claim 23, Aoshima teaches a three-dimensional game including multiple players as taught in the rejection of claim 1 above. As both players are capable of controlling their avatars (tank) speed in game the claimed proceeding speeds or scrolling speeds may be determined by both players in a mutually exclusive fashion. Alternatively as presented one common three-

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dimensional world might be separated along an axis or by three-dimensional object (i.e. the players tank juxtapose to the remaining components in the 3-d world) and would also be understood to meet the claimed language.

8. Regarding at least claim 24, 25 Aoshima teaches various means of altering viewpoints including the use of a viewpoint change button (Col 8:13-17) and the use of sub-displays (Fig 9 & Col 8:21-27) for reducing one game field and displaying the reduced field in the picture of the remaining game field.

Further dependent on the defined boundary between the first and second fields discussed in the rejection of claim 23 above, the view point may shift responsive to the mere movement of the players avatar (tank) and hence cursor (crosshair) during the play of the game. The limitation of "controllable game objects" is met by any type of object control including computer controlled or opposing player controlled game objects.

9. Regarding at least claims 8 and 26, Aoshima teaches a game world in figure 3 including a bottom portion 66 and a top portions 76, 78. When player one is located on the top portion and player two is location on the bottom portion the game fields are understood to conform to the claim cursor object forming means wherein the top level is one game field and the lower portion is the other game field.

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10. Regarding at least claims 9 and 27, Aoshima teaches the display realization of the three-dimensional world in figure 5, including the display of the game fields contained therein. When considered along with figures 1 and 8, the area immediately behind the players avatar (tank) is understood to represent a side face of the cursor object as so claimed. Player information is displayed on this side as shown in figure 8.

11. Regarding claims 28, Aoshima teaches the displaying of area maps and radars (Col 8:20-27). The display of such a device must change the color of an area in order to be appreciably recognized by the player and hence provides a change in the color of the first area as viewed by the player.

12. Regarding at least claim 29, Aoshima teaches the determination of game events based on player actions shown in figure 11-13. In particular the claim language reads on a first tank shooting at a second and the determination by the game CPU to determine if a counter attack is warranted.

13. Regarding at least claim 10, Aoshima teaches the displaying and scaling of the game world dependent on the players position within the world. As the display scales are set to reflect the distance between the player's avatar and the field they are scaled and drawn to visually reflect this distance (Figure 5 7 Col 7:62-8:02).



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14. Regarding claim 30 in addition to the above stated, Aoshima teaches A game device comprising:

- m. a memory (29) for storing the application software;
- n. a CPU block having means for collecting operation signals from operating means operated by a player(16, 18), which executes the application software and thereby conducts the process to proceed the game in the three-dimensional virtual space (Figure 1 ) )including at least the first and second game fields that are stacked in layers (Figure 3 wherein field.66 is parallel to fields 76 and 78),, and outputting drawing control information that forms game images;
- o. a video block for conducting drawing processing of the game images on the basis of the drawing control information and outputting the game images to displaying means (Figure 4), wherein said first and second game fields are divided in the first area and the second area that each display one unit of the objects, each of which is placed and moves in the first and second game fields; and
- p. wherein said application software includes a first game program that proceeds the game in the first game field and a second game program that proceeds the game in the second game field (Figure 2, 9 demonstrate diverse player locations in a multi tier field), wherein said CPU block comprises:
  - i. means for controlling the position of the first object in accordance with the first game program, placing it in the relevant

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first area in the first game field, and thereby controlling the proceeding of the first game;

- ii. means for controlling the position of the second object in accordance with the second game program, placing it in the relevant second area in the second game field, and thereby controlling the proceeding of the second game (Figures 2,3,5,6 & Elm s12 Where in multiple fields where defined in the rejection of claim 22 above and the first and second objects may be two separate tanks);
- iii. means for displaying a cursor that points to one unit of the first area in the first game field on the basis of the operation signal, and for choosing the first object placed in the first area (Figures 1,2, and 5);
- iv. means for calculating the second area that corresponds to the chosen first area (Figures 3 & 5);
- v. means for judging whether an event has occurred between the chosen first object and the second object placed in the second area that corresponds to the first area (Figures 6-7);
- vi. means for executing the event processing when it is judged that the event has occurred (Figures 6-7); and
- vii. means for forming game images on the basis of the results of the event processing, and wherein all of said means are realized

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by the execution of the application software in the CPU block

(Figure 4).

### ***Response to Arguments***

15. Applicant's arguments, see page 9, filed July 5, 2005, with respect to rejections to claims 7-10 and 22-30 under 35 U.S.C. 112, first and second paragraph have been fully considered and are persuasive. On page 9, the applicant disclosed the proceeding means to be algorithms based in the memory of a computer. The rejection to claims 7-10 and 22-30 under 35 U.S.C. 112, first and second paragraph has been withdrawn.

16. The amendment to claims 7, 22, 24 and 25 has overcome the rejections under 35 U.S.C. 112, second paragraph lack of antecedent basis in the claims. The rejection to claims 7, 22, 24 and 25 under 35 U.S.C. 112, second paragraph lack of antecedent basis in the claims has been withdrawn.

17. The amendment to claims 7-10 and 22-30 has overcome the rejections under 35 U.S.C. 101. The rejection to claims 7-10 and 22-30 under 35 U.S.C. 101 has been withdrawn.

18. Applicant's arguments, See page 12, filed July 5, 2005, with respect to rejection to claims 7-10 and 22-30 under 35 U.S.C. 102(e) as being anticipated by Aoshima et al. (U.S. 6,241,524) have been fully considered but they are not persuasive.

19. Applicants allege Aoshima "utilizes only one game field, NOT two game fields". The examiner respectfully disagrees. It should be noted that the

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applicant discloses multiple game fields to be sections where the game proceeds simultaneously (Column 1 lines 9-13). In Figs 3 and 9, Aoshima discloses sections (field 66, 76 and 78) where the game proceeds simultaneously. Moreover, as noted in the previous Office action, Aoshima discloses that a process is conducted to proceed a game in a three-dimensional virtual space (Abstract, Figure 1) including at least first and second game fields that are stacked in layers (Figure 3 wherein field 66 is parallel to fields 76 and 78). For at least these reasons, the examiner maintains that Aoshima anticipates the claims as stated in the previous Office action.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

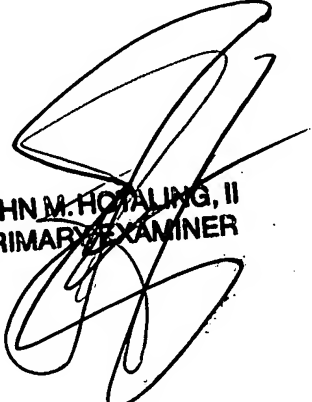
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is 5712723106. The examiner can normally be reached on m-f 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO



JOHN M. HOTALING, II  
PRIMARY EXAMINER